



Senate

General Assembly

File No. 492

February Session, 2014

Senate Joint Resolution No. 24

Senate, April 10, 2014

The Committee on Government Administration and Elections reported through SEN. MUSTO of the 22nd Dist., Chairperson of the Committee on the part of the Senate, that the joint resolution ought to be adopted.

RESOLUTION PROPOSING A CONSTITUTIONAL AMENDMENT TO PERMIT OVERSEAS MILITARY VOTERS AN OPPORTUNITY TO WAIVE THE RIGHT OF SECRET VOTING IN ORDER TO VOTE BY ANY METHOD PERMITTED UNDER STATE LAW.

Resolved by this Assembly:

1 Section 1. That the following be proposed as an amendment to the
2 Constitution of the State, which, when approved and adopted in the
3 manner provided by the Constitution, shall, to all intents and
4 purposes, become a part thereof:

5 Article twenty-fourth of the amendments to the Constitution is
6 amended to read as follows:

7 Section 5 of article sixth of the Constitution is amended to read as
8 follows:

9 In all elections of officers of the state, or members of the general
10 assembly, the votes of the electors shall be by ballot, either written or
11 printed, except that voting machines or other mechanical devices for

12 voting may be used in all elections in the state, under such regulations
13 as may be prescribed by law. No voting machine or device used at any
14 state or local election shall be equipped with a straight ticket device.
15 The right of secret voting shall be preserved, provided active duty
16 military personnel stationed overseas may waive such right if such
17 personnel choose to return an absentee or military ballot by any
18 method permitted under state law.

19 RESOLVED: That the foregoing proposed amendment to the
20 Constitution be continued to the next session of the General Assembly
21 elected at the general election to be held on November 4, 2014, and
22 published with the laws passed at the present session, or be presented
23 to the electors at the general election to be held on November 4, 2014,
24 whichever the case may be, according to article sixth of the
25 amendments to the Constitution. The designation of said proposed
26 amendment to be used on the ballots at such election shall be "Shall the
27 Constitution of the State be amended to allow active duty military
28 personnel stationed overseas to waive their right to have a secret ballot
29 so as to allow such personnel to return their absentee or military ballot
30 in a timely manner?"

GAE *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 15 \$	FY 16 \$
Secretary of the State	GF - Cost	5,000	None

Municipal Impact: None

Explanation

This resolution proposes an amendment to the State Constitution to allow active duty military personnel to vote via absentee or military ballot. The Secretary of the State is anticipated to incur a cost of \$5,000 in FY 15 (for the November 2014 election) for providing posters with the proposed constitutional amendment question and explanation to each polling place in every municipality. The FY 15 cost may be shifted into FY 17 pursuant to the requirements of the constitutional amendment process.

This cost will cover the printing and mailing of the posters. Since all materials required for placing a constitutional amendment on the ballot are supplied by the State, and the vote will occur in a regularly scheduled statewide election, no costs will be incurred by municipalities.

OLR Bill Analysis**SJ 24*****RESOLUTION PROPOSING A CONSTITUTIONAL AMENDMENT TO PERMIT OVERSEAS MILITARY VOTERS AN OPPORTUNITY TO WAIVE THE RIGHT OF SECRET VOTING IN ORDER TO VOTE BY ANY METHOD PERMITTED UNDER STATE LAW.*****SUMMARY:**

This resolution proposes a constitutional amendment to allow active duty military personnel stationed overseas to waive the right to a secret ballot if they choose to return an absentee or military ballot by any method permitted under state law. The resolution creates an exception to the constitutional requirement that the right of secret voting be preserved. However, it does not extend to certain individuals who choose to receive voting assistance under existing law. Thus, it is unclear whether this assistance could be provided under the amendment. (see BACKGROUND).

The ballot designation to be used when the amendment is presented at the general election is: "Shall the Constitution of the State be amended to allow active duty military personnel stationed overseas to waive their right to have a secret ballot so as to allow such personnel to return their absentee or military ballot in a timely manner?"

EFFECTIVE DATE: If the resolution passes by at least three-fourths of the membership of each house of the General Assembly, it will be placed on the 2014 general election ballot. If it passes by a majority of the membership of each house but less than three-fourths, it will be referred to the 2015 session of the legislature. If it passes in that session by a majority of each house, it will appear on the 2016 general election ballot. If a majority of those voting in the general election approves the amendment, it will become part of the state constitution.

BACKGROUND***Preserving the Right to a Secret Ballot***

State law authorizes certain individuals to receive voting assistance, and in these cases, the secret ballot is not necessarily preserved.

For example, an elector requiring voting assistance because of blindness, disability, or inability to write or read the ballot may receive assistance by anyone other than (1) his or her employer, (2) an agent of the employer, (3) an officer or agent of his or her union, or (4) a candidate for any office on the ballot, unless that person is an immediate family member. The person assisting the elector may accompany the elector into the voting booth and must register his or her vote on the ballot as he or she directs (CGS § 9-264).

Similarly, registrars or assistant registrars of voters may bring a ballot to an elector who requests one because he or she becomes temporarily incapacitated at the polling place. The registrar or assistant must take the ballot, together with a privacy sleeve, to the elector and allow that person to mark the ballot, in private, after he or she shows appropriate identification. The elector places the ballot in the privacy sleeve, but the election official delivers the privacy sleeve to the voting tabulator and inserts the ballot into the machine for the elector. The moderator keeps a record of the incident in his or her diary (CGS § 9-261(b)).

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable

Yea 10 Nay 3 (03/24/2014)